

Serial No. 09/468,614

Docket No. 042390.P7752

**Remarks**

Claims 1-10 and 13-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hinckley (US 5,828,882) in view of Corrington et al. (US 6,076,142). Applicant's respectfully request reconsideration of claims 1-10 and 13-28.

Independent claims 1, 10, 17, 22, 26 each include limitations that are not taught or suggested by the combination of Hinckley and Corrington. It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, the Applicant respectfully submits that the combination of Hinckley and Corrington does not meet the requirements of an obvious rejection in that neither teaches nor suggests a RAID monitor service or a monitor service operating above the operating system module.

As indicated in the Official Action, Hinckley does not teach a RAID monitor service or a monitor service that operates above or via an operating system module. Therefore, it appears that the Official Action is looking to Corrington for a teaching of a RAID monitor service or a monitor service that operates above or via an operating system module. However, despite the Official Action stating otherwise, Corrington does not teach a RAID monitor service or monitor service that operates above or via the operating system module. After much review, it appears the Corrington is silent as to operating system modules and as a result does not teach the use of a RAID monitor service or monitor service that operates above or via an operating system module. If the Examiner elects to maintain the present rejection, Applicant respectfully requests the Examiner to specifically point out by column and line number where Corrington

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teaches the use of operating system modules and in particular the use of a RAID monitor service or a monitor service that operates above the operating system module.

To further expedite prosecution of the present application, Applicant wishes to clarify the teachings of Corrington. In particular, Corrington teaches at column 4, lines 61-66 that a RAID system 10 may be coupled to a host computer system 12. Further, at column 5, line 35 through column 6, line 7, Corrington teaches that the RAID system 10 may include a hardware ICU 22 (intelligent control unit), a RAID controller 24, a modem unit 26, and a built-in software Monitor Utility. Further, an administrator may monitor the operating status and configure the RAID system 10 remotely via the software Monitor Utility that is built into the RAID system 10. The Applicant points out that the ICU 22, RAID controller 24, modem unit 26, and software Monitor Utility enable remote administration of the RAID system 10 using a desktop or notebook computer via a serial cable or phone line through the modem 26 of the RAID system 10, thereby eliminating any reliance on the host computer system 12 for remote administration. (See, column 5, lines 60-67). Apparently, the Monitor Utility software is executed by the RAID system 10 itself and not by the host device 12. Even if the host device 12 comprises an operating system module to access the RAID system 10, the operating system module would be operating above or via the software Monitor Utility built into the RAID system 10 instead of the software Monitor Utility operating above or via the operating system modules as required by the invention of Applicant's claims 1, 10, 17, 22, and 26.

The Applicant would like to emphasize that the preceding paragraphs were not intended to attack Hinckley and Corrington separately. But instead, the Applicant has shown how each is devoid of claimed elements so that, by default, the combination is

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also devoid of at least some of the features of Applicant's claimed invention. Since claims 2-9, 13-16, 18-21, 23-25, and 27-28 each depend from one of claims 1, 10, 17, 22 and 26, the Applicant believes the rejection of these claims has been overcome for at least one of the above stated reasons. Additional arguments to distinguish the cited references from claims 2-9, 13-16, 18-21, 23-25, and 27-28 could be made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection of claims 1-10 and 13-28. Accordingly, Applicant respectfully requests the rejection of claims 1-10 and 13-28 be withdrawn.

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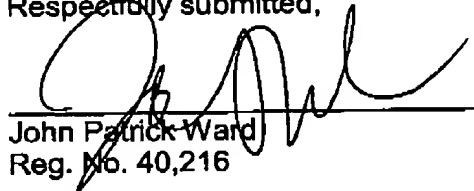
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Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed August 13, 2003, and it is submitted that claims 1-10 and 13-28 are in condition for allowance. Reconsideration of the rejection is requested, and allowance of claims 1-10 and 13-28 is earnestly solicited. Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to Jeffrey B. Huter, Attorney for Applicant, at (480) 554-4198 is respectfully solicited.

1/13/04

Respectfully submitted,

  
John Patrick Ward  
Reg. No. 40,216

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1030  
408-720-8300